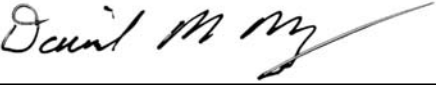




RICHMOND POLICE DEPARTMENT GENERAL ORDER

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Chapter 4	Number 9	Effective Date 10/06/08	Review Date 2011
Subject WITHDRAWAL OR RESTRICTION OF POLICE POWERS			☐ New Order ☒ Replaces O.O. 113-6, (10/11/05) E.O. # 06-10, (06/05/06)
References CALEA 1.3.8 VLEPSC ADM.05.03b City of Richmond Personnel Rules for the Classified Service			
 _____ Chief of Police or Designee		10/06/08 _____ Date	

I. PURPOSE

The purpose of this order is to establish the policy and procedure governing the administrative withdrawal or restriction of a sworn employee's police powers.

II. POLICY

It is the policy of the Richmond Police Department to withdraw or restrict the police powers of any officer who is a subject of a serious investigation or whose continued presence on the job is deemed to be a potential, substantial and/or immediate threat to the welfare of the Department, the public, and/or him/herself. These restrictions shall remain in effect until the employee receives written notification from the Chief of Police or designee, stating otherwise.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. DEFINTIONS

- A. POLICE POWERS – The ability to act in an official capacity including making arrests, executing court papers, carrying a firearm, working off duty in a law enforcement capacity and functioning as a law enforcement officer.
- B. WITHDRAWAL OF POLICE POWERS – The rescission of all police powers.

- C. RESTRICTION OF POLICE POWERS – The limitation of an officer’s ability and authority to take certain police action, as directed by the Chief of Police **or designee**.

V. PROCEDURE

- A. The Chief of Police authorizes any Division or Precinct Commander or designee, or the Night Supervisor **after** ‘normal’ business hours, to withdraw a sworn employee’s police powers.
- B. Only the Chief of Police may determine that an officer’s police powers will be restricted rather than withdrawn.
- C. Reasons for the withdrawal or restriction of police powers shall include but may not be limited to the following:

1. Involvement in a use of lethal or serious force;

NOTE: When an officer whose action(s) or use of force in an official capacity results in death or serious injury, he/she will be immediately removed from line-duty assignment pending an administrative review by the Force Investigation Team and Internal Affairs Division.

2. Failure to meet state certification **and/or** departmental training requirements;
3. Alleged violation of Department rules, regulations, policies **and/or** procedures;
4. Alleged violation of federal, state, **and/or** local laws/ordinances;
5. When an officer’s physical condition or behavior indicates that he/she is unfit for duty;

NOTE: When an officer’s physical condition indicates that he/she may be unfit for duty, the supervisor shall require the member to report to Retreat Hospital (Employee Medical Services) for examination. Unless the member is returned to duty with “no restrictions” his/her police powers shall be withdrawn or restricted.

6. When an officer’s behavior presents an actual or potential risk to the public, the Department, or him/herself;
7. Absence from work for a period longer than thirty (30) days, regardless of the type of leave use; **and/or**,
8. When an officer is placed on administrative leave **or suspended** for any time period, with or without pay.

- D. Any supervisor who learns that an officer should not continue to have police powers shall immediately notify the Division or Precinct Commander or designee, or the Night Supervisor **after** ‘normal’ business hours.

1. When an incident causes a police officer to be under investigation, the ranking member of the investigative unit (Force Investigation Team **and/or** Internal Affairs Division) shall, as part of the initial investigation, make a

determination as to whether it is necessary to withdraw the officer's police powers, and what the duty status of the officer will be, ***based upon the criteria in section V.C. 1 through 8.*** The ranking member of the investigating unit shall advise the Division or Precinct Commander or designee, or the Night Supervisor ***after*** 'normal' business hours.

2. The Division or Precinct Commander or designee, or the Night Supervisor, shall evaluate the information and, if appropriate, immediately prepare a ***Change in Duty Status and/or Status of Police Powers form*** (PD-79) advising the officer that his/her police powers will be withdrawn immediately upon such notification. The ***form*** shall state the effective date of the withdrawal and the reason for the withdrawal.
 3. The Division or Precinct Commander or designee, or the Night Supervisor shall sign the ***Change in Duty Status and/or Status of Police Powers form*** (PD-79) and designate an appropriate supervisor to serve the ***form***.
 4. The designated supervisor shall serve the ***form*** to the officer. The designated supervisor shall ensure that a copy of the ***Change in Duty Status and/or Status of Police Powers form*** (PD-79) is forwarded ***within 24 hours*** to:
 - a) The Office of the Chief of Police;
 - b) The Major or Executive Director of the affected Service;
 - c) The Officer-in-Charge of affected Unit;
 - d) The Police Personnel & Recruitment *Division*;**
 - e) The Internal Affairs Division;
 - f) *Human Resources Division Chief; and,***
 - g) *Payroll Supervisor.***
- E. When an officer's police powers are withdrawn, the officer shall immediately turn in his/her service weapon, badge, cap shield, handcuffs, radio, keys, identification card and any duplicates thereof to the supervisor who serves the ***form***. The supervisor shall note on the PD-79 which items were turned in, and shall place all items in the Property Section. If the officer has a take-home vehicle, the supervisor shall make arrangements to return the vehicle to the officer's unit immediately or on the next duty day.
- F. The supervisor shall advise the officer that if the he/she has a demonstrable need to carry a firearm for personal protection, he/she may request of the Chief of Police that his/her police powers be restricted, rather than withdrawn. If the Chief of Police is present (such as at the scene of a police involved shooting), the request may be made in person at that time. Otherwise, the request and justification must be made in writing, ***directly*** to the Chief of Police. ***The request will be delivered to the Major in the Office of Professional Responsibility.***
- NOTE: The request need not go through the Chain of Command.***
- G. ***Officers shall continue to attend court unless instructed not to do so.***
- H. The supervisor shall ensure that the officer understands that withdrawal or restriction

of police powers is a separate matter from the officer's pay status or leave status.

- I. The Personnel and Recruitment **Division** shall maintain a list of all personnel who have had their police powers restricted or withdrawn, and report that information to the Command Staff monthly.
- J. The Chief of Police may assign an officer, whose police powers have been withdrawn or restricted, to a temporary non-enforcement duty assignment in the Department until such time that his/her full police powers are reinstated, or other actions are initiated. This assignment shall be one in which police powers are not necessary for the completion of the work assignment.
- K. Administrative withdrawal or restriction of police powers are not punitive or disciplinary in nature and therefore not grievable.

L. ***Reinstatement of Police Powers:***

When the determination has been made to reinstate police powers, the supervisor will complete a PD-79 indicating that police powers are being restored. The PD-79 along with a cover letter to the Chief of Police will indicate the circumstances for the reinstatement of powers and will be distributed as indicated on the form.

VI. **ROLES AND ACCOUNTABILITY**

A. ***Division or Precinct Commander or designee or Night Supervisor shall:***

- 1. ***Have the authority to withdraw a sworn employee's police powers;***
- 2. ***Evaluate information on officer's duty status as recommended by the ranking members of Investigative Units;***
- 3. ***Prepare and sign a Change in Duty Status and/or Status of Police Powers form (PD-79) advising the officer that his/her police powers will be withdrawn immediately upon such notification, if appropriate; and,***
- 4. ***Designate an appropriate supervisor to serve the PD-79 to the officer. The form shall state the effective date of the withdrawal and the reason for the withdrawal.***

B. ***Designated supervisors shall:***

- 1. ***Serve the Change in Duty Status and/or Status of Police Powers form (PD-79) advising the officer that his/her police powers will be withdrawn immediately upon such notification;***
- 2. ***Ensure a copy of the PD-79 is forwarded within 24 hours to:***
 - a) The Office of the Chief of Police;
 - b) The Major or Executive Director of the affected Service;
 - c) The Officer-in-Charge of affected Unit;
 - d) The Police Personnel & Recruitment **Division**;

- e) The Internal Affairs Division;
- f) *Human Resources Division Chief; and,*
- g) *Payroll Supervisor.*

- 3. *Note all items on the PD-79 surrendered to him/her as a result of withdrawn police powers and place all items in the Property section;*
- 4. *Make arrangements to immediately return the officer's take-home vehicle to the officer's unit, if applicable;*
- 5. *Advise the officer that if he/she has a demonstrable need to carry a firearm for personal protection, he/she may request of the Chief of Police that his/her police powers be restricted, rather than withdrawn;*
- 6. *Ensure the officer understands that withdrawal or restriction of police powers is a separate matter from the officer's pay status or leave status; and,*
- 7. *Complete a PD-79 and cover letter to the Chief of Police indicating that police powers are restored when the determination has been made to reinstate police powers. The cover letter to the Chief of Police will indicate the circumstances for the reinstatement of powers and will be distributed as indicated on the form.*

C. *Chief of Police or designee shall:*

- 1. *Have the authority to withdraw or restrict sworn employees' police powers;*
- 2. *Authorize any Division or Precinct Commander or designee or Night Supervisor to withdraw a sworn employee's police powers;*
- 3. *Have the authority to allow officers with restricted police powers to carry a firearm; and,*
- 4. *Have the authority to assign an officer whose police powers have been withdrawn or restricted to a temporary non-enforcement duty assignment in the Department until such time that his/her full police powers are reinstated or other actions are initiated.*

D. *Supervisors who learn that an officer should not continue to have police powers shall:*

Immediately notify the Division or Precinct Commander or designee or Night Supervisor.

E. *Ranking members of Investigative Units (Force Investigation Team and Internal Affairs Division) shall:*

- 1. *Make a determination as to whether it is necessary to withdraw the officer's police powers and what the duty status of the officer will be; and,*

2. *Advise the Division or Precinct Commander or designee or Night Supervisor of the officer's duty status.*

F. *Officers with withdrawn or restricted police powers shall:*

1. *Immediately turn in his/her service weapon, badge, cap, shield, handcuffs, radio, keys, identification card, duplicates thereof, take-home vehicle, if applicable, and any other department issued equipment to the designated supervisor;*
2. *Have the opportunity to submit a request and justification directly to the Chief of Police to carry his/her firearm for personal protection;*
3. *Deliver written requests to the Major in the Office of Professional Responsibility; and,*

NOTE: Officers must show a demonstrable need.

4. *Continue to attend court unless instructed not to do so.*

G. *Personnel and Recruitment Division shall:*

Maintain a list of all personnel who have had their police powers restricted or withdrawn and report the information to the Command Staff monthly.

VII. **FORMS**

PD-79, Change in Duty Status and/or Status of Police Powers